

**Memorandum Endorsement***Gochenour v. United States of America*

7:20-cv-4607

The Court has reviewed the parties' respective filings in support of their attached respective motions for partial summary judgment (ECF Nos. 43 and 45). It is the Court's understanding that there has been confusion regarding the filing dates and filing of service of certain papers in support of the parties' motions, including Rule 56.1 Statements and oppositions to these statements.

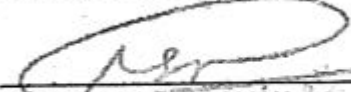
Thus, the Court DENIES without prejudice and with leave to renew the parties' respective motions for partial summary judgment, in order for the parties to properly file and serve these motions and a complete set of supporting papers, including Rule 56.1 Statements, in accordance with this District's Local Civil Rules and this Court's Individual Rules of Practice in Civil Cases.

Accordingly, the parties are granted leave to file their respective motions for summary judgment and supporting papers on or before March 31, 2023. The Clerk of the Court is kindly directed to terminate the motions at ECF Nos. 43 and 45.

Dated: March 1, 2023

White Plains, NY

SO ORDERED:

HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
VICKI SUE GOCHENOUR, as Executrix of  
the Estate of GUY GOCHENOUR, deceased,  
and VICKI SUE GOCHENOUR, individually,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.  
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20 Civ. 4607 (NSR)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying (1) Memorandum of Law in Support of the United States of America's Motion for Partial Summary Judgment and in Opposition to Plaintiffs' Motion for Partial Summary Judgment; (2) Declaration of Jennifer Jude, dated May 9, 2022, and the exhibits annexed thereto; (3) Declaration of Dr. Mark Schattner, dated May 7, 2022, and the exhibit annexed thereto; and (4) the United States of America's Statement of Material Undisputed Facts, and Response to Plaintiffs' Statement of Material Undisputed Facts, Pursuant to Local Civil Rule 56.1, the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, hereby moves this Court for an order granting the United States' motion for partial summary judgment and denying Plaintiffs' motion for partial summary judgment.

Dated: New York, New York  
May 9, 2022

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York  
*Attorney for Defendant United States of America*

By: /s/ Jennifer Jude

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Case No.: 7:20-CV-04607-NSR

-----X  
VICKI SUE GOCHENOUR as Executrix of the  
Estate of GUY GOCHENOUR, Deceased, and  
VICKI SUE GOCHENOUR, Individually,

Plaintiffs,

-against-

**NOTICE OF MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT**

UNITED STATES OF AMERICA,  
Defendant.  
-----X

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**PLEASE TAKE NOTICE** that Plaintiffs Vicki Sue Gochenour as Executrix of the Estate of Guy Gochenour, Deceased, and Vicki Sue Gochenour, Individually, will move before the Honorable Nelson S. Román, United States District Judge, at The Hon. Charles L. Briant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, on a date to be set by the Court, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an Order and Judgment granting Plaintiffs partial summary judgment, pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, and granting Plaintiffs such other and further relief as the Court deems just and proper.

Dated: April 7, 2022  
White Plains, New York

MEAGHER & MEAGHER, P.C.  
*Attorneys for Plaintiffs*

By:



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